

# Notice of Allowability

Application No.

10/804,095

Examiner

Jerry Martin Blevins

Applicant(s)

ITO, TOSHIHARU

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed June 1, 2006.
2. ☒ The allowed claim(s) is/are 1 and 3-40.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

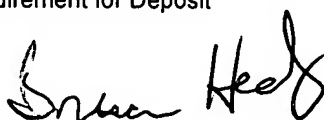
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



Brian Healy  
Primary Examiner

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments, see pages 29-33, filed June 1, 2006, with respect to claims 1, 3-9, 24, 28, 31, 32, 36, and 40 have been fully considered and are persuasive. The rejection of claims 1, 3-9, 24, 28, 31, 32, 36, and 40 has been withdrawn.

### *Election/Restrictions*

Claims 1, 3-9, 24, 28, 31, 32, 36, and 40 are allowable. Claims 10-23, 25-27, 29, 30, 33-35, and 37-39, previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement between inventions, as set forth in the Office action mailed on December 14, 2005, is hereby withdrawn** and claims 10-23, 25-27, 29, 30, 33-35, and 37-39 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim(s) including all the limitations of an allowable claim is presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Allowable Subject Matter***

Claims 1 and 3-40 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent claims 1, 6, 10, 14, 18, and 22-30, US Patent to Shigematsu et al., number 5,214,728, teaches a module for amplifying a signal light with a remote excitation-light (Figure 3a), comprising: a first optical input/output line (5) through which a signal light is transmitted; a second optical input/output line (11) through which a signal light is transmitted; an optical amplifier (7) which amplifies a signal light on receipt of an excitation light transmitted through said first or second optical input/output line; a bypass circuit (8) which allows said signal light to bypass said optical amplifier; a first optical connector (21) which optically connects said first optical input/output line to said optical amplifier, and further optically connects said first optical input/output line to said bypass circuit; and a second optical connector (22) which optically connects said second optical input/output line to said optical amplifier, and further optically connects said second optical input/output line to said bypass circuit. Shigematsu also teaches that the first optical connector is comprised of a first optical 3-port circulator having first, second and third ports wherein a signal light input through said second port is output through said third port, and a signal light input through said first port is output through said second port (Figure 3b and column 7, line 66 – column 8, line 23, wherein port Z corresponds to applicant's port 1, port X corresponds to applicant's port 2, and port Y corresponds to applicant's port 3), said second optical connector is comprised of a second optical 3-port circulator having first, second and

Art Unit: 2883

third ports wherein a signal light input through said second port is output through said third port, and a signal light input through said first port is output through said second port, (Figure 3b and column 7, line 66 – column 8, line 23, wherein port Z corresponds to applicant's port 1, port X corresponds to applicant's port 2, and port Y corresponds to applicant's port 3), said first optical 3-port circulator is optically connected at its second port to said first optical input/output line, at its third port to said optical amplifier, and at its first port to said bypass circuit (Figure 3A), and said second optical 3-port circulator is optically connected at its second port to said second optical input/output line, at its third port to said bypass circuit, and at its first port to said optical amplifier (Figure 3A). However, Shigematsu, either alone or in combination with the prior art, fails to disclose or render obvious that a signal light input through the third port is not output through any port.

Regarding independent claims 3 and 4, Shigematsu teaches a module for amplifying a signal light with a remote excitation-light (Figure 3a), comprising: a first optical input/output line (5) through which a signal light is transmitted; a second optical input/output line (11) through which a signal light is transmitted; an optical amplifier (7) which amplifies a signal light on receipt of an excitation light transmitted through said first or second optical input/output line; a bypass circuit (8) which allows said signal light to bypass said optical amplifier; a first optical connector (21) which optically connects said first optical input/output line to said optical amplifier, and further optically connects said first optical input/output line to said bypass circuit; and a second optical connector (22) which

Art Unit: 2883

optically connects said second optical input/output line to said optical amplifier, and further optically connects said second optical input/output line to said bypass circuit. However, Shigematsu, either alone or in combination with the prior art, fails to disclose or render obvious that the first and second optical connectors are comprised of a first optical filter having first, second and third ports wherein said second port is a port through which a signal light comprised of a signal light having a first wavelength band and a signal light having a second wavelength band, combined to each other, is input and output, said third port is a port through which a signal light having said first wavelength band is input and output, and said first port is a port through which a signal light having said second wavelength band is input and output.

Claims 5, 7-9, 11-13, 15-17, 19-21, and 31-40 are allowed based on dependence from allowed base claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Martin Blevins whose telephone number is 571-272-8581. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMB

A handwritten signature in black ink, appearing to read "Brian Healy". The signature is fluid and cursive, with the first name "Brian" written in a more compact, stylized manner and the last name "Healy" written more fully.

**Brian Healy**  
**Primary Examiner**